

Appl. No. 10/036,466  
Amdt. Dated August 7, 2006  
Reply to Office Action of May 19, 2006

### **REMARKS/ARGUMENTS**

Claims 1-30 are pending in the present application.

This response is in response to the Office Action mailed May 19, 2006. In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §102(e). Applicants have amended claims 1-6, 11-16, and 21-26. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Rejection Under 35 U.S.C. § 102***

In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,694,412 issued to Frank et al. ("Frank"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

Frank discloses a multiprocessor digital data processing system. The system includes several central processing units (CPUs) coupled to associated memory elements (Frank, col. 6, lines 55-58). Each CPU includes access request element which generates signal representative of requests for access to an information stored in the memory elements (Frank, col. 6, lines 65-67; lines 1-3). The memory element includes a control element interfacing to a data storage area via a directory element (Frank, col. 7, lines 11-14). The information maintained in each store is identified by a unique descriptor (Frank, col. 6, lines 21-23). The controller responds to local processor requests by comparing the request with descriptors listed in the corresponding directory (Frank, col. 3, lines 48-51).

Frank does not disclose, either expressly or inherently, at least one of: (1) a cache of a current peer in a current ring at a current level to store information of ring peers within the current ring, the current ring being part of an hierarchical ring structure of peer-to-peer (P2P) nodes, the hierarchical ring structure having at least one of a lower level and an upper level; and (2) a peer locator coupled to the cache to locate a target peer in the cache in response to a request to search for the target peer.

Frank merely discloses data storage areas to provide physical storage space for data and instruction signals needed by their respective (Frank, col. 7, lines 14-18), not information of ring

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peers. The data and instruction signals are part of programs executed by the CPU and therefore do not contain information of the ring peers.

Furthermore, Frank merely discloses a data access request (Frank, col. 3, lines 45-51), not a request to search for a target peer. A data access request is a request by a processor to access (e.g., read, write) a data. In contrast, a request to search for a target peer is a request to discover the location of a target peer. To clarify this aspect of the invention, claims 1, 11, and 21 have been amended.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergoal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that Frank teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

Therefore, Applicants believe that independent claims 1, 11, and 21 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(e) be withdrawn.

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**Conclusion**

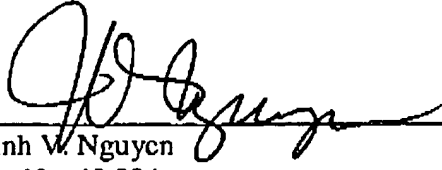
Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: August 7, 2006

By

  
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Tu Nguyen

August 7, 2006

Date